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A General Surrenders

General Westmoreland's quest for respect should never have been brought to court and his libel suit against CBS is wisely abandoned. Just a week from a jury judgment, the general surrendered to the evidence that whether or not his superiors in Washington were in fact deceived, he and some of his aides in Vietnam in 1967 manipulated the estimates of enemy strength, apparently for political effect.

That CBS, 15 years later, found this already documented "conspiracy" worthy of a major exposé was, professionally, an odd bit of news judgment. But it's one for CBS to make.

That the program strayed from the network's own standards of fair play had already been exposed by a TV Guide article and confirmed by CBS. Yet when General Westmoreland made his unhappiness clear, CBS this special time offered a follow-up program with 15 minutes for his unedited comments. Hearing no apology, he declined.

By no stretch of law or logic, therefore, did CBS's conduct or the general's hurt merit a \$120 million libel action, costing the parties up to \$10 million.

General Westmoreland has been called worse things than a poor judge of the enemy or a bureaucratic maneuverer. Such judgments, in journalism and history, come with the territory of high rank in American life. They are also, mercifully, protected in law, which requires public figures claiming libel to prove not only the falsehood of a damaging defamation but a reckless disregard of knowable truth.

Unlike Israel's General Sharon, who caught Time magazine in a costly error, General West-

moreland had trouble proving any falsehood. At the end, he stood in imminent danger of having a jury confirm the essential truth of the CBS report. For in court, as on the original program, the general could not get past the testimony of high-ranking former subordinates who confirmed his having colored some intelligence information.

The more interesting historical question is why the general should have recoiled from higher estimates of enemy strength, which might have buttressed appeals for more American troops. Most likely, he thought he was protecting President Johnson and the war effort from the growing public resistance to its cost. Perhaps he was also protecting his own past estimates of the number of American troops he needed to win.

Merely to ask such questions shows why they don't belong in court. No jury can decide which Vietcong guerrillas a generation ago were properly counted as enemy "soldiers." No jury can prescribe the conduct of a field general toward his Commander in Chief. No jury should have to plumb the meaning of the Vietnam experience.

As the general may have finally recognized, history is no less fickle than journalism. His reputation remains a totem in a wider conflict, both for opponents of the Vietnam War and the defenders who put up the millions that financed his suit. His duty done, there is only one way for him to achieve the dignity he asks: Keep answering the questions of those who may try honestly to understand a painful memory, but otherwise stand aside.